

ZONING BOARD OF APPEALS
TUESDAY, SEPTEMBER 16, 2014 @ 7:00P.M.

CALL TO ORDER: 7:04 p.m.

COMMISSIONERS: Chairman - Mr. Lee Todd
Mr. Ahmad Taylor
Mr. Sam Anderson, Jr.
Ms. Elcine Kirkendolph
Mr. Joseph Sinclair
Mr. Carlos Bueno
Mr. William Carrington

CHAIRMAN TODD: I will call the meeting to order. Roll call, please.

MR. SABO: Anderson?

MR. ANDERSON: Here.

MR. SABO: Chairman Todd.

MR. TODD: Here.

MR. SABO: Taylor?

MR. TAYLOR: Here.

MR. SABO: Kirkendolph?

MS. KIRKENDOLPH: Here.

EXCUSED: Carrington.

ABSENT: Sinclair.

MR. SABO: Bueno?

MR. BUENO: (Arrived at 7:05)

ALSO PRESENT: Mr. James Sabo, Professional Planner
Mr. Gordan Bowdell, Associate Planner

Mr. Sabo stated a quorum was present.

COMMUNICATIONS: Mr. Sabo stated the Mayor is currently in the process of filling the vacancies on board.

ADOPTION OF MINUTES: August 19, 2014.

COMM. TAYLOR MADE A MOTION FOR APPROVAL OF THE MINUTES FOR June 17, 2014 AND COMM. ANDERSON SUPPORTED.

CHAIRMAN TODD: Roll call, please.

VOTE: AYES: Taylor, Anderson, Kirkendolph, Chairman Todd.
NAYS: None.
ABSTAIN: None.

Motion passes 4-0-0.

OLD BUSINESS: Mr. Bowdell stated the projector is still down due to a system malfunction and will proceed with handouts.

NEW BUSINESS:

PUBLIC HEARING NUMBER: ZBA-14-11

Finding of facts presented by Mr. Bowdell.

Address: 339 Raeburn St.

Variance Request: Section 2.543(F)(6) – Minimum setback of a wireless telecommunication facility

Present Use & Occupancy: Pontiac Knight Riders

Proposed Use & Occupancy: Pontiac Knight Riders/Telecommunication Facility

Dimensional Variance Request:

Section 2.543(F)(3) – Wireless Telecommunication Facility Support Structure Setback Standards:

Ground mounted and monopole WCFs shall be setback from the lot line a distance not less than one-half of its height of 65 feet, whichever is greater. However, when wireless telecommunication facilities are located on premises abutting residentially zoned or used land, the minimum setback from the lot line abutting the residentially zoned lot shall be equal to the height of the facility. All setbacks shall be measured from the edge of the WCF support structure.

Claimed Practical Difficulty:

The Applicant stated:

“The subject property is a “pie-shaped” parcel that includes a portion of the vacated Grand Truck Western R.R. line that was once active through the area. The odd shape of the parcel is an impediment to developing it to its full potential. This odd shape handicaps its potential relative to other similarly zoned parcels in the area. This is particularly true regarding a cell tower when required setbacks are taken into account.”

Staff Findings:

1. Pontiac Knight Riders is an existing use at the site. The proposed wireless communication facility is an additional use at the site.
2. The subject parcel has two zoning classifications; M-1 and R-1.
 - a. The proposed monopole is being constructed in the M-1 portion of the parcel.
3. Wireless Telecommunication Facilities are a principal permitted use in the M-1 zoning classification and the Site Plan was approved by the Planning Commission on September 3, 2014.
4. As shown on the map, the parcel has a very unique shape and incorporates a section of the vacated Grand Truck Western R.R.
5. The proposed monopole has a height of 125 feet.
 - a. The R-1 Zoning Classification begins 90 feet east of the proposed monopole; and is required at 125 feet.
6. The rear setback of the monopole structure is required at 65 feet and is proposed at 35 feet.
7. The Zoning Ordinance states that if located on the same lot as another permitted use, a ground mounted or monopole WCF shall not be located in a front or side yard abutting a street.
8. The property is c corner lot and abuts two streets (Raeburn St. and Sanford St.)

AUTHORIZATION: Section 6.407 Dimensional Variance

Authority – The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

Practical Difficulty – A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

Meets the standard - The restrictions of the ordinance appear to prevent the applicant from using the property as a permitted use. The WCF is a permitted use in this district and due to the unique shape of the lot and the restriction to prevent WCF within the front or side yard, to conform to this provision of the ordinance appears to be unnecessarily burdensome.

2. A grant of the variance will do substantial justice to the applicant as well as to the other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

Meets the standard – At the September 3, 2014 Planning Commission meeting, the applicant demonstrated a need for a newly constructed monopole. Due to the shape of the lot and the Knight Rider business that exists, it appears that a lesser variance would not be appropriate and would not provide substantial relief.

3. The plight of the applicant is due to the unique circumstances of the property.

Meets the standard – The property is unique. It has two zoning classifications (R-1 and M-1). The portion of the property that is zoned R-1 is the vacated railroad. The land is currently vacant and although it is zoned for residential development, due to the irregularity of the parcel, in not ideal for single family development. Also, due to the irregular shape of the parcel, it appears that a WCF could not exist at this site without a grant variance.

4. The problem is not self-created.

Meets the standard – The problem is self-created from the standpoint that the applicant is seeking the construction of a monopole structure, however the irregular shape of the parcel is not self-created.

5. The spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.

May or may not meet the standard – The proposed facility appears to provide essential utilities to the immediate and surrounding areas and will comply with all building codes, Federal Aviation Administration and Federal Communication Standards.

6. There is compliance with the standards set forth in *Sect 6.401.B*.

Meets the standard

7. Compliance with standards for discretionary decisions contained in *Sec 6.303*.

Not Applicable

RECOMMENDATION:

To approve the proposed setback dimensional variance (ZBA-14-11) to reduce the required setback from 65 feet to 35 feet (30 ft. variance) and reduce the required setback abutting residentially zoned property from 125 feet to 90 feet (35 ft. variance), as the request appears to meet the standard for practical difficulty as described in Section 6.407 of the Zoning Ordinance.

Rob Labelle and Robin Perry, 24242 Northwestern Hwy, Southfield, Verizon Wireless representatives stated the property is uniquely shaped and the proposed monopole will be located discretely in the corner of the property. The applicant stated the monopole is structurally designed to crumble upon itself instead of toppling over.

CHAIRMAN TODD DECLARED PUBLIC HEARING OPEN.

Minister Donald Herd of Prospect Missionary Baptist Church stated that part of the property was owned by church and stated the Pastor would like paperwork in regards to this project.

The applicant stated that the property has been searched through a title company and it shows that the property is fully owned by the Pontiac Knight Riders and stated the site plan was on record.

Willie Ramsey, President of the Pontiac Knight Riders, stated as it relates to ownership of the property, the property is fully owned by the Pontiac Knight Riders. The location where the tower is being constructed is fully owned by the Pontiac Knight Riders.

A resident at 319 Raeburn, who resides two houses down from said site was concerned with the harmful impact of the structure and the affects to the community.

The applicant stated a Verizon employee will be at the site two times a month. They will check the structure and equipment to make sure it is fully functioning and working properly and collect data.

CHAIRMAN TODD DECLARED PUBLIC HEARING CLOSED.

COMM. TAYLOR MADE A MOTION TO APPROVE THE PROPOSED DIMENSIONAL VARIANCE (ZBA-14-11) TO REDUCE THE REQUIRED REAR SETBACK FROM 65 FEET TO 35 FEET (30FT. VARIANCE) AND REDUCE THE REQUIRED SETBACK ABUTTING RESIDENTIALLY ZONED PROPERTY FROM 125 FEET TO 990 FEET (35 FT. VARIANCE), AS THE REQUEST APPEARS TO MEET THE STANDARD FOR PRACTICAL DIFFICULTY AS DESCRIBED IN SECTION 6.407 OF THE ZONING ORDINANCE.

COMM. KIRKENDOLPH SUPPORTED.

VOTE: AYES: Taylor, Kirkendolph, Bueno, Anderson, Chairman Todd.
NAYS: None.
ABSTAIN: None.

Vote 5-0-0 motion passes.

PUBLIC HEARING NUMBER: ZBA-14-17

Address: 630 Martin Luther King Jr. Blvd. N
Variance Request: Section 5.105(A) – Legal Nonconforming Signs – Structurally Alter
Present Use & Occupancy: Popeyes
Proposed Use & Occupancy: Popeyes

Presentation of Facts given by Mr. Sabo.

Dimensional Variance Request:

Dimensional (Non-use) Variance for Section 5.108(a)(3) Structurally Alter a Nonconforming Sign for the existing pole sign at 630 Martin Luther King Jr. Boulevard Popeye’s Restaurant to add elements to the existing non-conforming sign.

As stated, the applicant is requesting to structurally alter the existing non-conforming pole sign as described for the Popeye’s Restaurant.

Claimed Practical Difficulty:

(Dimensional Variance) The applicant has stated that the existing sign ordinance does not allow for alteration of existing nonconforming signs. They state that the changes in corporate branding can maintain the existing area and similar dimensions of the sign (not expand the non-conformity) but it is still not permitted by ordinance. The applicant states that it presents a hardship because they wish to maintain the size and area of the sign and also update the corporate branding, but the ordinance does not allow that to happen. They state that all businesses have branding and sign updates. The applicant believes that the ordinance is unreasonably penalizing the business by not allowing a sign that is currently in use and proposed to be expanded.

They state the ordinance specifically allows his business to continue using the nonconforming pole sign only if it is well maintained and kept in good condition, but the ordinance does not allow him to update his sign and replace the old cabinet sign box portion of the sign, which will keep the sign in good condition. The applicant believes the ordinance is contradictory because it does not allow his business to maintain the pole sign and update it to 2014 standards.

Staff Findings:

1. The subject is zoned C-3 and is the location of the existing nonconforming pole sign and Popeye’s Restaurant.
2. The requested variance is intended to update the existing signage and maintain the sign in good condition.
3. The existing sign panels for Popeye’s Restaurant portion of the sign is weathered and faded.
4. The existing sign panels for Popeye’s Restaurant portion of the sign and will meet the other provisions of the sign ordinance.
5. If the entire sign is updated and well maintained, a variance will be required from the ZBA to continue using the nonconforming pole sign.

AUTHORIZATION: Section 6.407 Dimensional Variance

Authority – The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

Practical Difficulty – A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

May meet the standard – Compliance with the strict letter of the ordinance is somewhat reasonable for the existing conditions, but is no desirable from the applicant’s perspective.

2. A grant of the variance will do substantial justice to the applicant as well as to the other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

May meet the standard – A lesser variance will provide little or no relief to the applicant as they are not changing the size or area of the sign. Other surrounding property owners may not believe the variance is necessary.

3. The plight of the applicant is due to the unique circumstances of the property.

Meets the standard – The applicant has an existing nonconforming pole sign that cannot be changed without permission from the ZBA.

4. The problem is not self-created.

May meet the standard – While the applicant is proposing the change, the existing nonconforming condition (pole sign) is not self-created.

5. The spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.

May meet the standard – Opinions may vary on strict compliance with the ordinance versus the conditions under which a variance may be considered.

6. There is compliance with the standards set forth in *Sect 6.401.B*.

Meets the standard

7. Compliance with standards for discretionary decisions contained in *Sec 6.303*.

Not Applicable

RECOMMENDATION:

To approve the variance request for PF-14-17, 630 Martin Luther King Jr. Boulevard Popeye's Restaurant subject to the following conditions:

1. Compliance with all electrical codes, building codes, and Pontiac business licensing requirements.

The applicant, Greg Scott stated renovations have been made to the establishment and therefore he would like to update the signage as well.

CHAIRMAN TODD DECLARD PUBLIC HEARING OPEN.

None.

CHAIRMAN TODD DECLARED PUBLIC HEARING CLOSED.

COMM. ANDERSON MADE A MOTION TO APPROVE THE VARIANCE REQUEST FOR PF-14-17, 630 MARTIN LUTHER KING JR. BOULEVARD POPEYE'S RESTAURANT SUBJECT TO THE FOLLOWING CONDITIONS:

1. COMPLIANCE WITH ALL ELECTRICAL CODES, BUILDING CODES, AND PONTIAC BUSINESS LICENSING REQUIREMENTS.

COMM. KIRKENDOPH SUPPORTED.

VOTE: AYES: Anderson, Kirkendolph, Bueno, Taylor, Chairman Todd.
NAYS: None.
ABSTAIN: None.

Vote 5-0-0 motion passes.

PUBLIC HEARING NUMBER: ZBA-14-14

Address: 2501 Centerpoint Parkway
Variance Request: Section 4.303 Table 8 – Minimum Parking Requirements to Reduce the Number of Off-Street Parking Requirements
Present Use & Occupancy: Vancant/Former GM Facility
Proposed Use & Occupancy: Challenge Manufacturing

Presentation of Facts presented by Mr. Sabo.

Dimensional Variance Request:

Dimensional variance related to proposed construction of a new building at the former GM manufacturing site. The applicant is requesting to reduce the number of required off-street parking spaces as follows:

Dimensional Variance requested for Section 4.303 Table 8 Minimum Parking Requirements; the minimum number of required parking spaces for the Challenge Manufacturing site is 682. The applicant is requesting to reduce the number of required spaces to 461. The applicant has requested a variance of 221 spaces.

Claimed Practical Difficulty:

(Dimensional Variance) The site is under construction for the Challenge Manufacturing facility and building.

The applicant has stated that based on the square footage of size of the building, they are being inadvertently penalized. The stamping assembly operations at the facility have large square footage requirements. However, the per-shift staffing requirements are reasonably small at approximately 200 people per shift. The applicant states that at shift change (short term double space required) they would still only require approximately 400 parking spaces. Additionally, they state that the most current design standards for construction call for reduction of the “heat island” effect for large expansive parking areas. The applicant also states that the Zoning

Ordinance requires interior parking lot landscaping that further impedes their ability as to provide the required number of spaces. They state that as the parking lot increases in size, more landscape area is required which eliminates parking spaces. No other practical difficulty information was provided.

Staff Findings:

1. The subject site is zoned M-1, Limited Industrial District.
2. The proposed parking lot size will not meet the zoning ordinance provisions for number of parking spaces for an M-1 industrial use.
3. The existing site plan and special exception permit was conditionally approved by the Planning Commission on May 7, 2014.
4. ZBA approval of a reduction of number of parking spaces variance was an approval condition by the Planning Commission.
5. The existing building height is 55 feet.
6. Without a ZBA variance the minimum number of required parking spaces is 682.

AUTHORIZATION: Section 6.407 Dimensional Variance

Authority – The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

Practical Difficulty – A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

May meet the standard - **The property owner will be able to use the property, but zoning ordinance standards appear to increase landscape requirements as parking area increases.**

2. A grant of the variance will do substantial justice to the applicant as well as to the other property owners in the district, and a lesser variance will not give substantial

relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

Meets the standard – A variance will provide substantial justice to the applicant as the parking spaces required at the site appear to exceed those required to operate the facility.

3. The plight of the applicant is due to the unique circumstances of the property.

May meet this standard – There are unique circumstances at the property. The size of the building required to operate the stamping operations is larger than the staffing requirements to operate the facility.

4. The problem is not self-created.

May meet this standard – The problem is not self-created. The applicant has proposed sufficient parking to meet the demands of the property, but the ordinance appears to require more parking than is necessary.

5. The spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.

Meets this standard – The spirit of the ordinance will be observed as the proposed parking area will meet the needs of the constructed building.

6. There is compliance with the standards set forth in *Sect 6.401.B*.

Meets this standard for supply of light/air, traffic, safety, welfare.

7. Compliance with standards for discretionary decisions contained in *Sec 6.303*.

Not Applicable

RECOMMENDATION:

To approve the dimensional variance request for ZBA-14-14, 2501 Centerpoint Parkway Challenge Manufacturing for Section 4.303 Table 8 Minimum Parking Requirements, a variance or reduction of 221 parking spaces; as the request appears to meet the specific standards for practical difficulty from Section 6.407 of the Zoning Ordinance.

Chris Carnell, 777 Baldworth, stated Challenge Manufacturing is glad to be coming to the city of Pontiac. He stated that the parking lot growth would hinder their expansion plans. He also

stated Challenge Manufacturing is a tier one supplier to GM. There operations would consist of light assembly and light welding.

Comm. Anderson and Comm. Bueno welcomed Challenge Manufacturing to Pontiac.

CHAIRMAN TODD DECLARED PUBLIC HEARING OPEN.

None.

CHAIRMAN TODD DECLARED PUBLIC HEARING CLOSED.

COMM. TAYLOR MADE A MOTION TO APPROVE THE DIMENSIONAL VARIANCE REQUEST FOR ZBA-14-14, 2501 CENTERPOINT PARKWAY CHALLENGE MANUFACTURING FOR SECTION 4.303 TABLE 8 MINIMUM PARKING REQUIREMENTS, A VARIANCE OR REDUCTION OF 221 PARKING SPACES; AS THE REQUEST APPEARS TO MEET THE SPECIFIC STANDARDS FOR PRACTICAL DIFFICULTY FROM SECTION 6.407 OF THE ZONING ORDINANCE.

COMM. ANDERSON SUPPORTED.

VOTE: AYES: Taylor, Anderson, Kirkendolph, Bueno, Chairman Todd.
NAYS: None.
ABSTAIN: None.

Vote 5-0-0 motion passes.

PUBLIC HEARING NUMBER: ZBA-14-18

Address: 451 W Kennett Rd.
Variance Request: Section 5.105(B) – Dimension and Location Standards for Ground Signs
Present Use & Occupancy: Grace Peace Community Church
Proposed Use & Occupancy: Grace Peace Community Church

Presentation of Facts presented by Mr. Sabo.

Dimensional Variance Request:

Section 5.105(B) – Dimension and Location Standards for Ground Signs. Maximum height of a ground sign in an R-1/C-0 zoning classification is 5 feet. Applicant is seeking to increase the height to 7.5 ft. A 2.5 ft. variance is requested.

Claimed Practical Difficulty:

The Applicant Stated:

“Since sign will be set back off the road so far and adjoining property to this site are open, the height is needed to make the sign effective. In addition the church has already ordered the sign not knowing that ordinance had changed. Changing sign would impose undue hardship on church in terms of additional cost of sign.”

Staff Findings:

7. The subject site is zoned R-1, One Family Dwelling district.
8. According to Section 5.105(B)-Any commercial, office, service, industrial, community, education, institution, or recreation use within the R-1 zoning district may have a sign that complies with the standards of the C-0 district.
9. The C-0 district restricts the height of all ground signs to 5 feet.
10. The proposed ground sign complies with all other dimension and location requirements.
11. The site has a street frontage of approximately 761 feet.
12. The proposed sign will replace an existing non-conforming pole sign.
 - a. The proposed ground sign better meets the intent of the zoning ordinance than the existing pole.

AUTHORIZATION: Section 6.407 Dimensional Variance

Authority – The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

Practical Difficulty – A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

8. Compliance with strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

May/May not meet the standard - The restrictions of the sign ordinance do not prevent the owner from using the property for a permitted purpose. However, do to the large size of the lot it may be unnecessarily burdensome for the applicant to comply with this restriction.

9. A grant of the variance will do substantial justice to the applicant as well as to the other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

May/ May not meet the standard – The proposed height increase from 5 feet to 7.5 feet appears to provide substantial relief to the applicant. It does not appear that a lesser variance would be appropriate. The applicant has an existing pole sign that they are seeking to replace. The proposed ground sign better complies with the intent of the sign section of the Zoning Ordinance.

10. The plight of the applicant is due to the unique circumstances of the property.

Meets this standard – The property is relatively flat. The plight is somewhat unique to the property due to the fact that the property is zoned R-1, One Family Dwelling district, but a religious institution is a commercial type use. The property has a very large street frontage (761 feet) which is very uncommon and unique in a One Family Dwelling district.

11. The problem is not self-created.

May meet this standard – The problem is not self-created from the standpoint that the applicant is seeking to construct a new ground sign. The proposed ground sign is to replace an existing nonconforming pole sign. Due to the size of the property, there appears to be a hardship that is not self-created.

12. The spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.

Meets this standard – The intent of the sign ordinance is to regulate outdoor signs to enhance aesthetics within the city, as well as enhance traffic safety. The proposed ground sign does not appear to negatively affect public safety or welfare. The proposal better conforms to the regulations of the sign ordinance than the existing pole sign.

13. There is compliance with the standards set forth in *Sect 6.401.B*.

Meets this standard

14. Compliance with standards for discretionary decisions contained in *Sec 6.303*.

Not Applicable

RECOMMENDATION:

To approve the proposed ground sign variance (ZBA-14-18) to increase the maximum height from 5 feet to 7'6" (2.5 variance), as the request appears to meet the standard for practical difficulty as described in Section 6.407 of the Zoning Ordinance.

Mark Gibson, 17081 Masonic Blvd, Fraser, owner of Stewart Signs and representatives from Grace Peace Community Church were present and when questioned stated the proposed sign would be 10 feet from the right-of-way.

CHAIRMAN TODD DECLARED PUBLIC HEARING OPEN.

None.

CHAIRMAN TODD DECLARED PUBLIC HEARING CLOSED.

COMM. TAYLOR MADE A MOTION TO APPROVE THE PROPOSED SIGN VARIANCE (ZBA-14-18) TO INCREASE THE MAXIMUM HEIGHT FROM 5 FEET TO 7'6" (2.5 VARIANCE), AS THE REQUEST APPEARS TO MEET THE STANDARD FOR PRACTICAL DIFFICULTY AS DESCRIBED IN SECTION 6.407 OF THE ZONING ORDINANCE.

COMM. ANDERSON SUPPORTED.

VOTE: AYES: Taylor, Anderson, Kirkendolph, Bueno, Chairman Todd.

NAYS: None.

ABSTAIN: None.

Vote 5-0-0 motion passes.

PUBLIC COMMENT: None.

MISCELLANEOUS: None.

ADJOURNMENT: MOVED BY COMM. KIRKENDOLPH TO ADJOURN. COMM. BUENO SUPPORTED.

All in Favor: Ayes: All Nays: None Abstain: None

7:53 p.m.